



**City of College Park
Department of Planning, Community & Economic Development
Staff Report**

Reviewer: Miriam Bader

Date: May 28, 2020

A. APPEAL INFORMATION

Appeal No.: CPV-2020-04

Hearing Date: June 4, 2020

Petitioner: Keith Busiere

Address: 9621 52nd Avenue

Subdivision: Hollywood

Neighborhood Association: North College Park Citizens Association

Zoning: R-55

Purpose of Request: The Applicant proposes to construct a roof over an existing front porch (6'6" x 20')

Requirement: Section 27-442(e), Table IV, prescribes a minimum front yard setback of 25 feet.

Request: A variance of 6 feet from the minimum front yard setback of 25 feet.

Property Characteristics:

1. The property has an area of 8,417 square feet and is improved with a 1-story, frame house.
2. The property is an odd-shaped corner lot (with an unimproved street-Proposed extension of Hollywood Road) with a general depth of 125 feet and a general width exceeding 55-feet.
3. The subject house was constructed in 1954.

4. The house is set back 26 feet from the front property line with a 6'-6" x 20' uncovered front porch that extends into the front yard. The rear yard setback is 74.7-feet.
5. The side setbacks comply being 26.4' from the unimproved Hollywood Road frontage and 23.7' from the other side property line.
6. The house contains a basement that is only accessible from the outside. There are no interior stairs.

Neighborhood Characteristics:

1. The property and immediate neighborhood are zoned R-55.
2. Seven of the adjacent nine properties have covered front porches.

Other Information: The Applicant is proposing several improvements to the house including building a second story and renovating the interior first floor and basement and deck. The other improvements do not necessitate a variance.

CRITERIA FOR GRANTING A VARIANCE

1. **Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

The property has an extraordinary situation in that the house could have been located further back on the lot.

2. **The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.**

The strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the Applicant by preventing the construction of a roof over a long-existing front porch that will provide protection from inclement weather.

3. **The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.**

Granting the 6-foot front yard setback variance will not substantially impair the intent, purpose, and integrity of any applicable plans because the front porch itself

is already existing. Once the roof is completed, the front porch will harmoniously blend in with the surrounding neighborhood. Covered porches are common in many of the houses surrounding the property (8 out of 10 properties have covered front steps or porches).

C. RECOMMENDATION

Staff recommends a 6-foot front yard setback to allow the construction of a roof over an existing front porch.

D. EXHIBITS

1. Application
2. Site Plan
3. Construction Plans for Roof
4. Applicant's PowerPoint
5. Property Information
6. Location Map
7. Zoning and Building Footprint Map
8. Impervious Surface Map
9. Staff Photos



City of College Park Advisory Planning Commission
 8400 Baltimore Avenue, Suite 375
 College Park, MD 20740
 Phone: 240-487-3538 • www.collegeparkmd.gov

APPLICATION FOR VARIANCE FROM
 THE STRICT APPLICATION OF THE
 PRINCE GEORGE'S COUNTY ZONING ORDINANCE

Instructions: Please complete and mail to the address above or e-mail to Miriam Bader at mbader@collegeparkmd.gov. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) Keith Busiere

Address of Property 9621 52nd Avenue

Do you reside in the property? ☐ Yes ☒ No

If no, provide home address 5025 Muskogee Street

Telephone 413-218-8071 Fax _____ E-mail keithbusiere@yahoo.com

Name of Agent/Representative (if any) _____

Address _____ Telephone _____

Have you applied for and been denied a permit? ☐ Yes ☒ No

Have you received a violation notice? ☐ Yes ☒ No If yes, date of notice _____

Has property been the subject of a previous appeal or zoning application? ☐ Yes ☒ No

If yes, provide case number(s) and dates _____

Do you require an interpreter? ☐ Yes ☒ No

DESCRIPTION OF PROPERTY

4500	20	58A	0000
Subdivision	Lot	Block	Parcel
R-55		672' Home - 8,417' Yard	
Zoning		Total Area (Sq ft)	
Hollywood			

Civic Association Name _____

VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Zoning Ordinance from which the variance is requested.

- 1) I am seeking a front yard setback variance of 6 feet in order to build a
- 2) covering for my existing concrete stoop to come within 19 feet of my property line
- 3) as required under Section 27-442, Table IV Yards, Front Yard in R-55 Zone
- 4)
- 5)

PURPOSE OF VARIANCE

Describe what you propose to do and why you need a variance.

I have a preexisting concrete stoop in front of my home that comes out about 7 feet.

I would like to add vertical columns and a roof to the slab to make an open area front patio. The vertical columns would be approximately 19 feet from my front property line.

IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.

Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. *(Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).*

Please see attachment

Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner. *(The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.*

Please see attachment

Criteria # 3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. *(Granting of the variance will not be in conflict with the public interest as requested in these plans).*

Please see attachment

NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS

(These include properties located on either side, behind and across the street from your property).

9619 52nd Avenue	Sandy Williamson	393 Forelands Rd, Annapolis, 21401
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Property Address	Owner's Name	Owner's Address
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9623 52nd Avenue	Priscilla Offenhauer	Unknown
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Property Address	Owner's Name	Owner's Address
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9620 52nd Avenue	Carlos Mendoza	Same
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Property Address	Owner's Name	Owner's Address
------------------	--------------	-----------------

9622 52nd Avenue	Sharri Gertler	Same
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Property Address	Owner's Name	Owner's Address
------------------	--------------	-----------------

Property Address	Owner's Name	Owner's Address
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Signature of Owner (Required)

5-12-2020

Date


Signature of Owner (Required)

5-12-2020

Date

OTHER INFORMATION

Fee Schedule: A check or money order shall be made payable to the City of College Park. The fee schedule is as follows:

Variance for an existing dwelling	\$200.00
Variance for residential new construction	\$500.00
Variance for commercial property	\$ 1,500
Variance for any other purpose in all zones	\$ 1,500
Each sign posted on commercial or industrial property	\$ 10.00

Site Plan: The site plan must be accurate, legible and drawn to scale. It should be prepared by a registered engineer or land surveyor and **must show all existing and proposed structures and driveways** (*sheds, carports, etc.*) The plan must also show all abutting streets and alleys, distances along property lines, and distances (setbacks) of all existing and proposed structures from the property lines.

Scheduling: Once an application has been accepted, it may take several weeks to schedule a hearing. The applicant or an authorized representative must attend the hearing to justify the request. The Advisory Planning Commission (APC) normally meets the first Thursday of the month. After an application has been heard, the APC, will render a recommendation or hold the record open to receive additional evidence. The Commission's recommendation is forwarded to the City Council for final action. If you disagree with the recommendation, you have fifteen (15) calendar days from the date of the resolution to request oral argument before the City Council.

Application for a variance is no assurance that it will be granted. The public hearing is for you and others interested in this case to state their positions. If you need additional assistance in filling out the application, contact the City of College Park Planning Department at (240) 487-3538. Remember, an appointment must be made with the Planning Department to review your application prior to its acceptance for processing.

Application For Variance From The Strict Application Of The Prince George's County Zoning Ordinance

Attachment for Keith Busiere, 9621 52nd Avenue, College Park, MD 20740

May 12, 2020

Criteria #1. Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions. *(Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood).*

My house is setback 26' from the property line, which is approximately 1' in from the sidewalk and was constructed with an uncovered front stoop. My homes unique condition is that basement is only accessible by first going outside. There are no interior stairs. Not having a covering makes inclement weather (rain, snow, sleet) much more unpleasant to deal with when walking to the basement. When the rain and sleet freeze over on the hard concrete stoop, the potential for a fall increases especially while at the door to home transition, when people are simultaneously holding objects and opening doors.

My mailbox is located just outside my homes front entrance, and mail is often wet after a hard rain despite the mailbox lid. Packages are also left exposed to the elements, causing potential damage to the contents.

Finally, my front doorway and large front facing window are left exposed to the elements. The high amount of exposure to the elements the door and window allows can lead to high energy bills and potential water infiltration at these openings. The rain also runs behind the concrete stoop and floods the basement during storms.

Criteria #2. The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner. *(The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions). Hardship cannot be self-imposed.*

I am unable to appreciate my property and neighborhood from my front stoop, and unable to complete simple tasks like laundry in inclement weather or at night due to the requirement of having to first go outside and reenter the home. (I have seen and heard mentally disturbed persons in the woods behind my home and have a wife and newborn daughter.)

It would be an extraordinary effort to reconstruct the house 7' back in order to be able to build a covered stoop and enjoy the typical property use rights enjoyed by my neighbors.

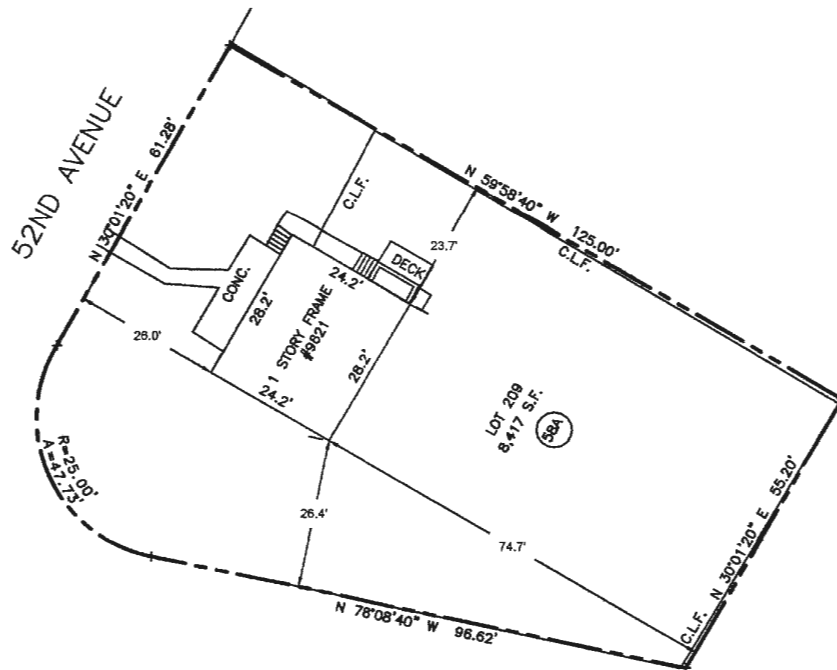
Criteria # 3. The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. *(Granting of the variance will not be in conflict with the public interest as requested in these plans).*

Granting of this variance would not be in conflict with the public interest or with the theme of the neighborhood. The next 7 consecutive homes on the same street all have either covered stoops or enclosed patios in the front, and my variance request is not for a significant distance.

Name: Keith Busiere

Date: 5-12-2020

EXHIBIT 2



NOTES;

This survey was prepared without the benefit of a title report.

I hereby certify that I have surveyed the property shown hereon for the purpose of locating the improvements only, and the improvements are located as shown. Exact property corners have not been established or set, unless otherwise noted. We assume no responsibility, or liability for any right-of-ways or easements recorded or unrecorded not appearing on the record plat or mentioned in the deed referred to hereon.

Michael P. Smith 7/6/19



LOCATION DRAWING
9621 52ND AVENUE
COLLEGE PARK, MD. 20740
LOT 20, BLOCK 58A
HOLLYWOOD

21ST ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

LAND DESIGN PROS.

1 Research Court, Suite 450
Rockville, MD. 20850
VOICE: 301-279-9990
www.LandDesignPros.com



• ENGINEERS • PLANNERS • SURVEYORS •

DRAFTER KS
CK.BY M.M.

SCALE:
1"=30'

LIBER / FOLIO
42106 / 367

PLAT BOOK / PLAT
18-48

FILE NO:

DATE:
07/06/2019

PROFESSIONAL CERTIFICATION. I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME AND THAT I
AM DULY LICENSED PROFESSIONAL ENGINEER

APPLICABLE CODES:
INTERNATIONAL RESIDENTIAL CODE (IRC) 2015 w/
PRINCE GEORGE COUNTY AMENDMENTS
INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
2015 w/ PRINCE GEORGE COUNTY AMENDMENTS

DEMO ENTIRE ROOF, WINDOWS & DOORS, INTERIOR WALLS AND WALL SHEATHING.

CONSTRUCT RENOVATION \$ ADDITION PER PLAN
CONSTRUCT FRONT PORCH PER PLAN
CONSTRUCT BACK PATIO \$ RETAINING WALLS PER PLAN

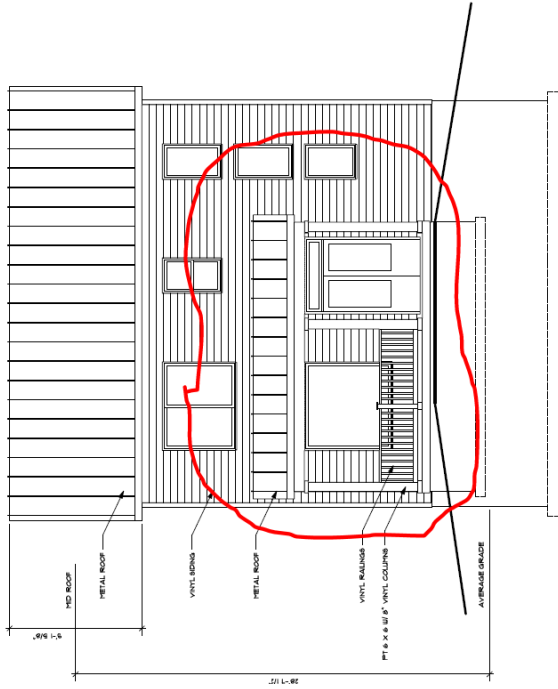
SHEET 1: ELEVATIONS

SHEET 5: FLOOR FRAMING

SHEET 5: WALL BRACING PLANS
SHEET 6: SECTION

SHEET 8: NOTES

SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

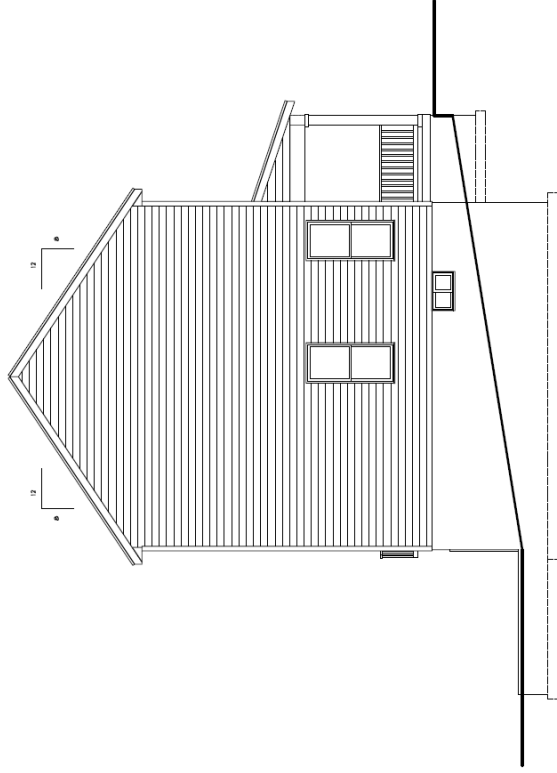
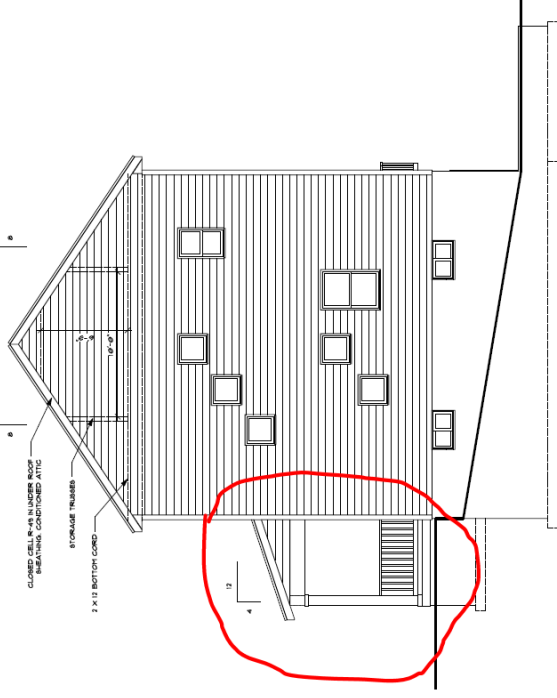


EXHIBIT 4

Request for variance

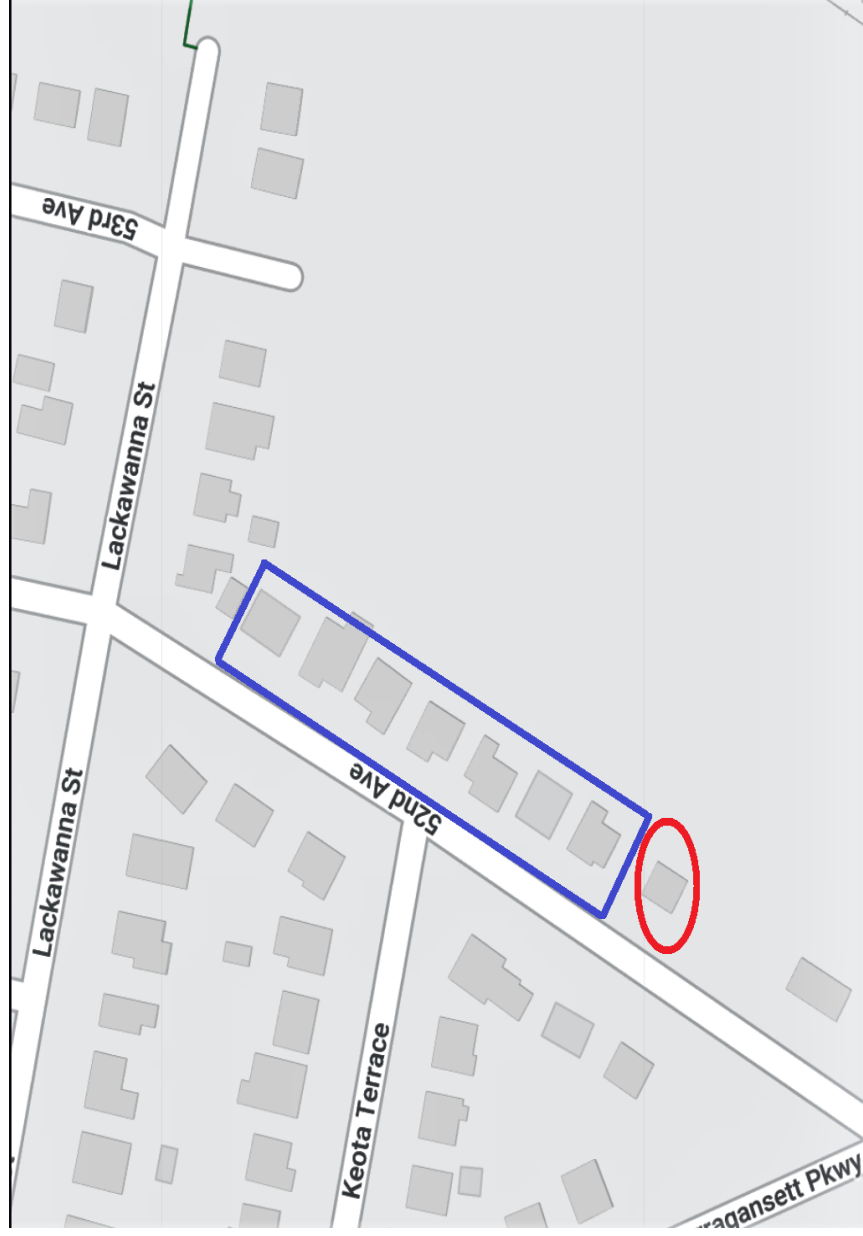
Keith Busiere

9621 52nd Avenue, College Park

May 2020

Street Comparison – 7 consecutive Homes

my home circled in red



Averages of the 7 homes

Laser measuring device from edge of sidewalk to home and front-most portion of column or wall

- Average home is 30' from sidewalk
- Average column/wall is 23' from sidewalk
- My home is 29'6" from sidewalk
- My intended front-most column would be 23' from sidewalk

This illustrates that my request is exactly what the neighborhood already has for layout, planning, and overall feel

My Home

9621 52nd – 29'6" to home, 23' to column



My Home

Existing slab is 20' x 6'6"



Neighbor 1

9623 52nd – 29' to home, 25' 2" to column



Neighbor 2

9625 52nd 29' 5" to home, 24' 3" to column



Neighbor 3

9627 52nd 29' 5" to house, 21' 2" to patio



Neighbor 4

9629 52nd 31'5" to home, 23'7" to column



Neighbor 5

9631 52nd 31'9" to home, 22'3" to column



Neighbor 6

9633 52nd 29'2" to home, 21'1 to column



Neighbor 7

9635 52nd 29' 6" to house, 23'3" to column



Example of nearby home with no covering....
Very bare and plain looking



no personality...



Exhibit 5. Property Information

Account Identifier:			District - 21 Account Number - 2393114							
Owner Information										
Owner Name:			BUISERE KEITH FRANCIS ETAL BUSIERE BRENDA ISABEL				Use:		RESIDENTIAL	
							Principal Residence:		YES	
Mailing Address:			9621 52ND AVE COLLEGE PARK MD 20740-4518				Deed Reference:		/42106/ 00367	
Location & Structure Information										
Premises Address:			9621 52ND AVE COLLEGE PARK 20740-0000				Legal Description:			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	A-1806
0025	00F2	0000	21034500.17	4500		58A	20	2019	Plat Ref:	
Town: COLLEGE PARK										
Primary Structure Built			Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1954			672 SF				8,417 SF		001	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
1	YES	STANDARD UNIT	FRAME/	3	1 full					
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2019		07/01/2019		07/01/2020	
Land:			100,400		100,400					
Improvements			106,800		117,600					
Total:			207,200		218,000		210,800		214,400	
Preferential Land:			0						0	

Exhibit 6. Location Map

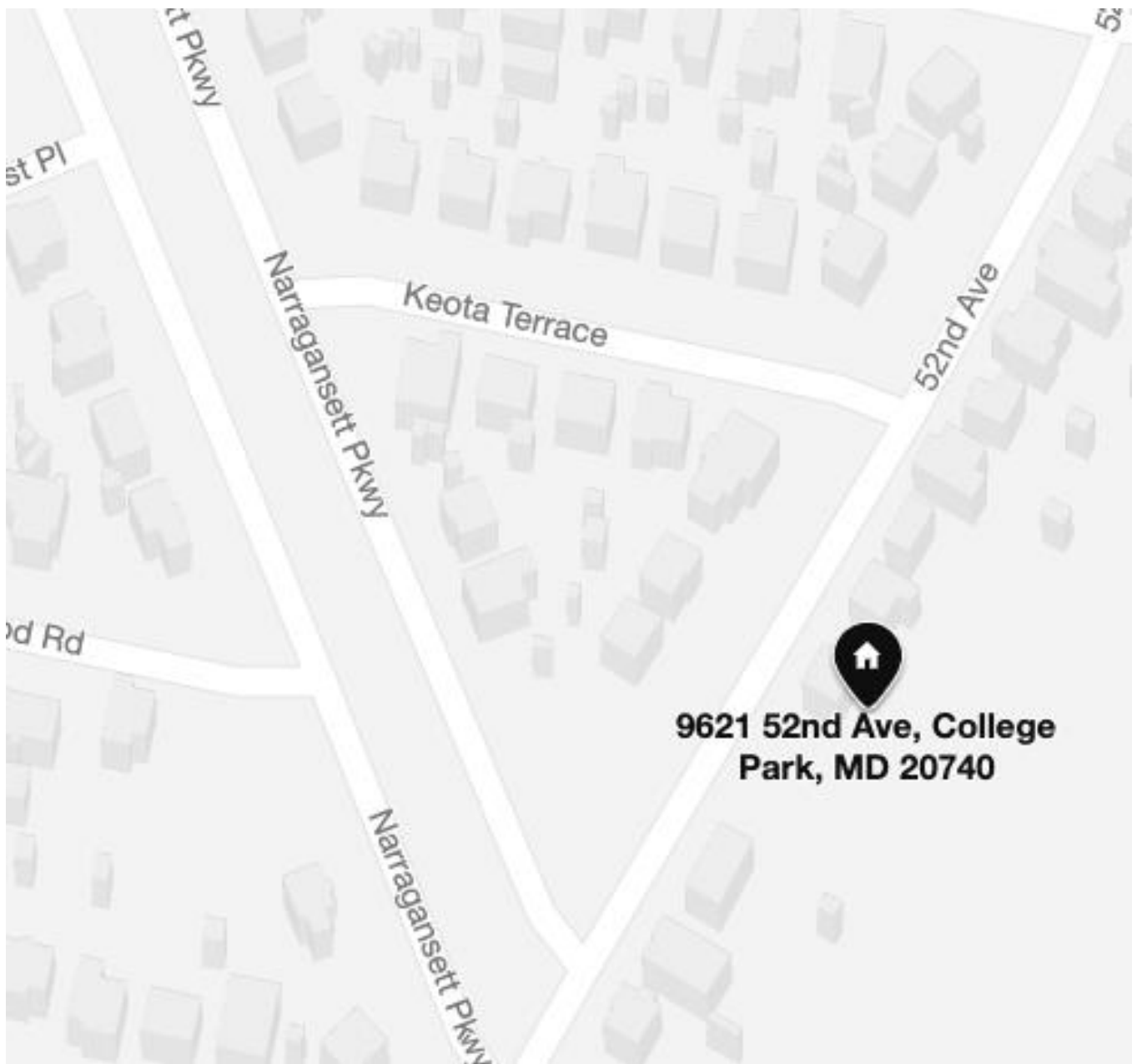


Exhibit 7. Zoning and Building Footprint Map



Exhibit 8. Adjoining Properties



Exhibit 9. Staff Photos



A. Subject Property, 9621 52nd Ave.



B. Close-Up on Property



C. Neighboring Property



D. Neighboring Property



E. Neighboring Property